ll ll		
1 2 3 4 5 6 7 8	WILLIAM J. GOINES (SBN 061290) ALISHA M. LOUIE (SBN 240863) GREENBERG TRAURIG, LLP 1900 University Avenue, Fifth Floor East Palo Alto, CA 94303 Telephone: (650) 328-8500 Facsimile: (650) 328-8508 Email: goinesw@gtlaw.com; louiea@gtlaw.co JEREMY A. MEIER (SBN 139849) GREENBERG TRAURIG, LLP 1201 K Street, Suite 1100 Sacramento, CA 95814 Telephone: (916) 442-1111 Facsimile: (916) 448-1709 Email: meierj@gtlaw.com Attorneys for Defendants Polo Ralph Lauren	om
10 11	Corporation; Polo Retail, LLC; Polo Ralph Lau doing business in California as Polo Retail Corp Outlet of America, Inc.	ren Corporation, o.; and Fashions
12 13	UNITED STATI	ES DISTRICT COURT
14 15	NORTHERN DIST	TRICT OF CALIFORNIA
16 17 18 19 20 21 22 23 24 25	ANN OTSUKA, an individual; JANIS KEEFE, an individual; CORINNE PHIPPS, an individual; and JUSTIN KISER, an individual; and on behalf of all other similarly situated, Plaintiff(s), v. POLO RALPH LAUREN CORPORATION, a Delaware Corporation; POLO RETAIL, LLC, a Delaware Corporation; POLO RALPH LAUREN CORPORATION, a Delaware Corporation, doing business in California as POLO RETAIL CORP; FASHIONS OUTLET OF AMERICA, INC., a Delaware Corporation and DOES 1-500, inclusive, Defendant(s).	Case No. C07-02780 SI DECLARATION OF JOANNE HURLOW IN OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION Date: July 11, 2008 Time: 9:00 a.m. Dept: Courtroom 10, 19th Fl. Judge: Hon. Susan Illston
28		

I, Joanne Hurlow, declare:

- 1. I am a paralegal employed by Greenberg Traurig, LLP, attorneys of record for Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Polo Ralph Lauren Corporation, doing business in California as Polo Retail Corp.; and Fashions Outlet of America, Inc. (hereafter "Polo" or "Defendants").
- 2. I have personal knowledge of the matters set forth below except as to those which are stated on information and belief and, as to those, I am informed and believe that they are true. If called as a witness, I could and would competently testify to the following facts in a court of law.
- 3. I was provided with copies of Polo's Commission Reports for Polo Store Full-Price Stores for the pay periods March 28-April 10, 2004 through March 26-April 8, 2006 ("Arrears Program Time Period"). I understood these Commission Reports were generated by Polo to calculate commission earnings by pay period and included an identification of each salesperson who worked in a Polo California Full-Price Store during the Arrears Program Time Period. The Commission Reports also reflect whether a salesperson fell into arrears and whether there was a "deduction" from commissions (as explained in the Declaration of Evan Cohen) which were applied to satisfy the arrears condition. Attached hereto as Exhibit A is a true and correct copy of a chart labeled "Arrears Tracking Sheet" that I compiled summarizing the data from the Commission Reports. The Arrears Tracking Sheet reflects that during the Arrears Program Time Period, 55 salespeople fell into arrears and of those, 49 had their commissions affected. The Arrears Tracking Sheet is also attached as Exhibit 107 to the Declaration of Patrick Kitchin.
- 4. To create Exhibit A, I reviewed Polo's Commission Reports of the Polo employees who were hired at Polo's California Full-Price Stores during the Arrears Program Time Period and, as of May 12, 2008, no longer worked at Polo.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of June, 2008.

/s/ Joanne Hurlow Joanne Hurlow Case 3:07-cv-02780-SI Document 100 Filed 06/20/2008 Page 3 of 23

EXHIBIT A

TO DECLARATION OF JOANNE HURLOW IN OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

			Total	\$0.00	\$0.00	-\$213.08	-\$846.01	-\$355.48	\$0.00	\$115.32	\$0.00	\$0.00	\$0.00	\$2.83	-\$686,96	\$0.00	\$0.00	\$0.00	\$0.00
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			Total	Deducted	\$0.00	-\$239.5	\$0.0	\$0.00	\$0.00	-\$762.44
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				HIRE DATE	20050620	20041014	20040601	20041020	20050227	20050908	20040526	20050630	20040318	200/0102	20050316	20050908	20051019	20040915	20040830	20051202	20050413	20041111	20045114	
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Еmployee #19 20051019	20050906	20060113	S S					\$0.00
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00836	Employee #2	20040723	20040830	2				T						3.0
00836	Employee #3	20041220	20050121	2										20.02
00836	Employee #4	20041122	20051213	£										80.00

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			TERM DATE ATTAINS January February Month	20051023	20060130	20060512	20051011	20081012	20050121	20051213	20060328	20050730
			HIPE DATE	20050412	20051003	20060203	20051010	20060424	20041220	20041122	20051003	20050416
			EMPLOYEE NAME	3 Employee #5	Employee #8	Employee #7	00836 Employee #8	00836 Employee #9	00836 Employee #3	00836 Employee #4	00836 Employee #10	00836 Employee #11
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00836	Employee #6	20051003	20060130	£					\$0.00
90836	Employee #7	20060203	20060512	ŝ					\$0.00
90836	Employee #9	20060424	20061012	ž					\$0.00
00836	Employee #10	20051003	20060326	£					\$0.00

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8	00873 Employee #7	20050627	20051119	ž					-			İ	31777		493 55		\$151.27
08 273	00873 Employee #8	20020328	20050730	£			-	l									S
8	Employee #1	20041027	20050402	×	\$125.39	-555.12	-\$55.62	-		T	r						42044
88 13	00873 Employee #2	20040908	20060203	ž					-	T							20.02
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17 17 17 17	00873 Employee #9	20041026	20060708	ž			\$220.80	\$220.80			2498 80				T		10707
88 23	00873 Employee #4	20040908	20050623	ş		ľ			T	ľ							00'03
8 2	00873 Employee #10	20051024	20060518	ŝ			 	 	T	r					ŀ		00 00
55 573	00873 Employee #11	20050515	20060428	7		-		<u> </u>				T	-513.58				PS 135"
0873 25	00873 Employee #12	20051125	20051223	ş	<u> </u>		T		-	ľ	Ī	ľ					20.02
8873 22	00873 Employee #13	20051024	20060106	ş	 -				-								20 02
20873	00673 Employee #14	20050216	20050813	Yes					-\$36.38	T	\$578.17						-59 (4 55
88 12	00873 Employee #15	20050127	20050517	Yes			\$7.04	-\$128.10	-								-\$135.11
22	00873 Employee #5	20040422		애	-			-	l								\$0.00
28	00873 Employee #16	20051223	20060115	PN													20.00

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W8/3	Employee #2	20040908	20060203	Yes	-\$295.82			-\$295.82
00873	Employee #10	20051024	20060518	2				\$0.00
00873	Employee #11	20050515	20060428	ž				\$0.00
00873	Employee #13	20051024	20060106	ş				\$0.00
00873	Employee #16	20051223	20060115	2				\$0.00